**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

DAVID B. TUCKER,

       Plaintiff,

v.

**ALLIANCEONE, INC. and HSBC BANK
USA N.A.,**

       Defendants.

CASE NO. 7:08-CV-106 (HL)

ORDER

Before the Court is Plaintiff's and Defendant AllianceOne Receivable

Management, Inc.'s Joint Motion to Dismiss AllianceOne Receivable Management,

Inc. With Prejudice (Doc. 12).[1] In the Joint Motion, Plaintiff and AllianceOne move

the Court for an order dismissing AllianceOne from this action with prejudice.

Plaintiff and AllianceOne cite Federal Rule of Civil Procedure 41(a)(2) as

authorizing the Court to dismiss the action against AllianceOne. Rule 41, however,

does not permit the Court to dismiss a party. Instead, it allows the Court to dismiss

an action. ("Except as provided in Rule 41(a)(1), an <u>action</u> may be dismissed at the

plaintiff's request only by court order, on terms that the court considers proper.")

Fed. R. Civ. P. 41(a)(2) (emphasis added). In contrast, the governing rule for

dismissing a party from a case is Rule 21. That rule provides that "on motion or on

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[1]According to the Joint Motion, the proper name of the Defendant is
AllianceOne Receivables Management, Inc., not AllianceOne, Inc.

its own, the court may at any time, on just terms, add or drop a party." Fed. R. Civ.

P. 21.

Plaintiff and AllianceOne are ordered to file a joint motion under Rule 21 if they

wish to drop AllianceOne from the case. This motion must be filed on or before July

16, 2010.

SO ORDERED, this the 12th day of July, 2010.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

mbh